

August 7, 2006

**1. Call to Order/Roll Call/Opening Ceremonies**

Chairman Alex Vispoli opened the meeting of the Board of Selectmen on Monday, August 7, 2006 in the Selectmen's Conference Room in the Town Offices at 7:30 p.m. with the opening ceremonies. Roll call was taken and Selectmen Hess, Lyman, Teichert and Chairman Vispoli were present. Selectman Major was absent. Also present were Town Manager Buzz Stapczynski and Town Clerk Randall Hanson. During the moment of silence, the Selectmen remembered Edward A. Palenski, a former firefighter, who passed away last week as well as Andover resident Brad Pearson. Recording Secretary Elizabeth A. Kochakian took these minutes. This meeting was duly posted and cablecast live.

**2. Communications/Announcements/Liaison Reports**

Town Manager Stapczynski:

- The Manager said there would be a meeting tomorrow in the Memorial Hall Library at 7:00 p.m. with legislative delegates and folks from his neighborhood (Phaeton Drive) to discuss a sound barrier from Rt. 93.
- The City of Methuen has invited representatives of towns and cities involved with the Greater Lawrence Vocational Technical School on River Road to a meeting next Monday at 6:30 p.m. in the Searle Building. The meeting is to find a resolution via a management audit of the Vocational School.
- At the Board's next meeting, August 21, they will be meeting with representatives of the Housing Authority to elect a person to fill Mr. Higgenbottom's vacancy.
- Contract #4 of the sewer project is complete and as of August 1 people can hook up to the sewer. Notices were sent to all the affected residents several weeks ago. Information is available on the Town's web site.
- Twenty-one people including 14 High School students and seven adults are now in New Orleans working on a relief project through a group called "Common Ground." The Group is a hurricane relief organization that is helping clean up the houses and work with families to help demolish the inside and rebuild the outside of properties in the New Orleans area. He said the group from Andover would be there for seventeen days. In checking with the Youth Services office today, he learned that they are working very hard and are fulfilled in what they are doing. He congratulated Bill Fahey and company for putting this together.
- Departments and Divisions are working hard putting their capital requests together for FY08 through FY12. He said they have a press release for the newspaper to notify the residents that if they see any capital improvements they should be addressing, they are encouraged to submit their CIP requests, especially for water and sewer problems.
- Improvements have been made on the Town's web site. He said they are constantly working to improve or enhance the information with the public through the Town's web site.

Selectman John Hess:

- To add to the Andover Youth Services' trip to New Orleans, Selectman Hess said he heard they completed the demolition of one house in three days and they are moving right along.
- An American Red Cross Blood Drive will be held in the Old Town Hall August 17 from 10 a.m. to 8 p.m. Selectman Hess said they are short of blood right now so people willing to donate should go there to donate blood.
- Selectman Hess asked the Town Manager how overgrown intersections that might become dangerous get cleaned up. The Manager said this is the time of year when the crews from Plant and Facilities, Parks and Grounds, send out their equipment to cut down overgrowth and basically grind it down. He told residents that if they have intersections that need cleaning to let him know. Selectman Hess said he was talking about the intersection of Stenson Road going toward Rt. 125 and Salem Street that should be cleaned up.

**2. Communications/Announcements/Liaison Reports (Cont.)**

August 7, 2006 (Cont.)

Selectman Mary Lyman:

- Selectman Lyman asked if the increase in minimum wage would impact the budget. The Manager said he didn't view it as a problem because they pay a tad more than minimum wage. However, he said the place they may see the effects is in the library and for poll workers.

Selectman Alex Vispoli:

- Last Thursday morning was the first meeting on the I-93 discussion between three towns, Wilmington, Tewksbury and Andover, as well as other interested parties. It was held at 8:00 a.m. in Tewksbury. They discussed a methodology by which the towns can work together; specifically, they are looking to develop a master plan. The assignment from that meeting was for the planning directors of the town to put together the RFP's for components of the potential master plan to get a sense of the total build out and what that will mean from a traffic count standpoint. He said the next meeting would be in Andover sometime in October. From Andover's perspective, Chairman Vispoli said they are very concerned with the traffic implications and want to make sure they get an advantage there.

3. Approval of Consent Agenda Items

A. Appointments and Re-appointments

It was moved by Selectman Hess that the Board approve the following appointments by the Town Manager:

DEPARTMENT	POSITION	RATE	EFF. DATE
<b>POLICE DEPARTMENT</b>			
Chad Cooper	Patrolman (v. D. Batchelder)	P500-5-1	9/11/06
Daniel Devine	Patrolman (v. J. Reilly)	P500-1-0	9/11/06
<b>MEMORIAL HALL LIBRARY</b>			
Vicki Murphy	Executive Secretary (v. H. Sellers)	IE-16-1	9/11/06
Jonathan Morgan	Library Page PT (v. C. Russell)	\$7.25/hr.	8/1/06
<b>PLANT AND FACILITIES DEPARTMENT - Building Division</b>			
Sergey Yerozolimsky	Laborer - Summer Temp.	\$11.50/hr.	7/31/06
<b>COMMUNITY SERVICES</b>			
Mark L. Limauro	Sports Counselor - PT	C2A	7/17/06

3. Approval of Consent Agenda Items (Cont.)

August 7, 2006 (Cont.)

A. Appointments and Re-appointments (Cont.)

The motion was seconded by Selectman Lyman. After a discussion, the motion was voted and approved 4-0.

B. Storage of Inflammable License Change

It was moved by Selectman Teichert that the Board approve the request of Town Clerk Randall Hanson for the following address changes only on the Phillips Academy Storage of Inflammable licenses to reflect changes as recorded for the Town's 9-1-1 system:

From 180 Main Street to 30 Abbot Campus Road - Sumner Smith Maintenance Center - Aboveground: none - Underground: 20,000 gallons gasoline

From 180 Main Street to 30 Abbot Campus Road - Sumner Smith Maintenance Center - Aboveground: 550 gallons diesel - Underground: none

From 180 Main Street to 4 Old Campus Road - Power Plant - Aboveground: none - Underground: 45,000 gallons #6 fuel oil

The motion was seconded by Selectman Lyman, voted and approved 4-0.

C. Vehicle for Hire Licenses

It was moved by Selectman Lyman that the Board grant permission to Eliu Torres, d/b/a Ballardvale Car Service, 2 Stevens Street, Andover, to operate a Vehicle for Hire business at 2 Stevens Street with three vehicles. That the 3 licenses for Ballardvale Car Service be approved as presented with the condition that: No taxi or livery vehicle be parked in Andover overnight; that the vehicles pass inspection by the Andover Police Department; and, that all operations under the name Shawsheen Livery at 2 Stevens Street will cease. The licenses, effective from the date of approval through April 30, 2007, have been reviewed and approved by the Police Department and Town Clerk and are subject to the condition that all other requirements of the Town are met prior to the issuance of the licenses.

The motion was seconded by Selectman Teichert. Mr. Eliu Torres was present and introduced himself to the Board. When asked, he said he understood and agreed to the conditions in the motion.

After a discussion, the motion was voted and passed 4-0.

D. Amendments to the Traffic Rules and Regulations

Officer Cronin came before the Board with two requests. The first one was for a portion of Brady Loop directly across from the Wood Hill/High Plain Road school complex. He said that became problematic the end of last year when parents began using that as a pickup zone at the dissatisfaction of many of the local residents that had children walking down Brady Loop and no sidewalks and parking on both sides. He said it has become a real serious safety concern. He has met with neighbors, the School and the School's Safety Committee.

3. Approval of Consent Agenda Items (Cont.)

August 7, 2006 (Cont.)

D. Amendments to the Traffic Rules and Regulations (Cont.)

What they came up with, they thought they should notify the parents about the concerns which they did but it was still felt that perhaps a one hour restriction should be implemented in the afternoon to restrict and discourage parking.

One resident present, Belva Hopkins, 4 Brady Loop, said she supported the ban for safety reasons.

It was moved by Selectman Lyman that the Board approve the following amendment to the Traffic Rules and Regulations as recommended by the Safety Officer:

Schedule 1, Article V, Section 2 - PARKING

Add:

- "No Parking" from 2:00 P.M. to 3:30 P.M. on school days only on both sides of Brady Loop from Cross Street for a distance of 150 feet.

The motion was seconded by Selectman Hess, voted and approved 4-0.

Officer Cronin then gave a brief history of the second request. He said that was the intersection that had a utility pole in the middle of the intersection. It has now been removed and the Department of Public Works is going to straighten out the centerline down there. He said it was felt by the Director Jack Petkus, himself and some of the neighbors that with the improvements down there that maybe a stop sign will better define the intersection.

After a brief discussion, it was moved by Selectman Hess that the Board approve the following amendment to the Traffic Rules and Regulations as recommended by the Safety Officer:

Schedule 1, Article V, Section 2 - PARKING

- "Stop" sign at the intersection of Sunset Rock Road and Hidden Road.

The motion was seconded by Selectman Teichert, voted and approved 4-0.

E. Block Party

It was moved by Selectman Hess that the Board grant permission to Patrick Scanlon, 34 Washington Avenue, to block off his street for a neighborhood block party on Saturday, September 19, 2006 from 10:00 A.M. to 10:00 P.M. (raindate - Sunday, September 20, 2006). Arrangements have been reviewed and approved with conditions by the Police Department.

The motion was seconded by Selectman Teichert. With no objections, the motion was voted and approved 4-0.

3. Approval of Consent Agenda Items (Cont.)

E. Block Party (Copy)

August 7, 2006 (Cont.)

Selectman Hess pointed out that after noting the dates on the agenda of this block party that he had just moved, he did not think the dates were correct. The Manager checked and said the dates for the block party should have been September 9 with a rain date of September 10<sup>th</sup>. It was thus moved by Selectman Hess to amend the motion accordingly. The motion to amend was seconded by Selectman Teichert, voted and approved 4-0.

F. Yard Sale in The Park

It was moved by Selectman Lyman that the Board grant permission to Mary Donohue, Community Services Director, to use The Park on Saturday, September 30, 2006 (raindate - Sunday, October 1, 2006) from 9:00 A.M. to 3:00 P.M. for their annual Fall Yard Sale. Arrangements have been reviewed and approved with conditions by the Police Department.

The motion was seconded by Selectman Teichert, voted and approved 4-0.

4. Citizens Petitions and Presentations

A. Gerry Silverman, 56 Dufton Road

Gerry Silverman, 56 Dufton Road, appeared before the Board. He said they had a wonderful 4<sup>th</sup> of July celebration, in fact he felt it was the best they have had. He presented the Board with check for \$3,250 to pay for the overtime for Police and Fire that evening. Chairman Vispoli thanked Mr. Silverman for all the work he did to bring about a very enjoyable fireworks display. The Board accepted the check and Mr. Silverman received a handshake from the Board and Manager in appreciation.

B. Report on Task Force for Youth Center

Selectman Hess mentioned that there was a meeting of the Task Force over the proposed Youth Center on Thursday night. He said they have outlined the next step including having public meetings in September and they will get back with more details and information by the 21<sup>st</sup> of August. Mr. Silverman added that in order to allow more parking spaces in the future there would have to be a change in the road. In conjunction with that, the Youth Foundation is going to do a youth and traffic study.

C. Mark Spencer 13 Sunset Rock Road

Mark Spencer, 13 Sunset Rock Road, addressed the Board. He said that as a member of the Cultural Council and many other activities around town, they have been frustrated about the lack of marketing efforts to get people to know about events happening in the town. He said they have been trying to see if they can put up a banner across Main Street during the downtown renovation phase that would let people know special things happening in Town like Andover, Days, etc. He said they are at the stage now whereby they have canvassed all of the other towns on the 16 comparative communities list, towns that are similar to Andover. They now have a pretty good working knowledge how other towns handle requests for public advertising of events.

4. Citizens Petitions and Presentations (Cont.)

C. Mark Spencer 13 Sunset Rock Road (Cont.)

August 7, 2006 (Cont.)

Mr. Spencer said that Andover is just about the only town that has no mechanism for getting the word out on town events that define Andover. He said this project has been in making for a long time. He hoped it would end in fruition when the downtown renovations take place and they put the banner through special constructed light posts high over Main Street.

When asked, Mr. Spencer said that he has only spoken to the Fire Chief and the Manager about this. The Manager said Mr. Spencer has done a lot of work on this to his credit. They have an attorney working on a necessary draft bylaw with amendments needed to get it through Town Meeting. He said there would be two separate articles, one to codify the banner as a fixture and the second, to allot the money. Mr. Spencer said they are on the agenda of the Main Street Committee to make a presentation to them. When asked, he said the poles that will support the banner will sustain through winds of 90 miles an hour so that any safety concerns should be put to rest. Selectman Hess said he felt it was a good idea. Chairman Vispoli wondered if this might need a zoning change. Mr. Spencer said it is in the grey area of zoning.

After all discussion, Mr. Spencer was thanked for coming and discussing this with the Selectmen.

5. Public Hearing

A. National Grid/Verizon New England

A public hearing was held to hear the request of National Grid and Verizon New England for permission to locate poles, wires and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

- Sunset Rock Road at #44 - approximate location shown on Plan #70-332, dated 7/5/06

The request has been reviewed and approved by the Department of Public Works subject to the condition that a street opening permit must be obtained from the DPW prior to construction.

Roger Parrot from National Grid/Verizon New England was present to explain the request. He said they would like to put a support pole directly across the street from pole No. 2437 because the pole is in the middle of a curve and it is taking the full weight of the pole line in that curve. They had to put a counter weight on the opposite of the street to take the strain off that pole. Previously there was a tree guide there but the tree is rotten and fell and there is nothing supporting that pole. When asked Mr. Parrot said this was in a wooded area.

It was moved by Selectman Hess that the Board approve the new pole for Sunset Rock Road at #44 approximate location shown on Plan #70-332, dated 7/5/06. This request has been reviewed and approved by the Department of Public Works subject to the condition that a street opening permit must be obtained from the DPW prior to construction.

The motion was seconded by Selectman Lyman voted and approved 4-0.

6. New Business

A. Report by Public Health Director Thomas Carbone and Members of the Fish Brook Initiative

August 7, 2006 (Cont.)

Chairman Vispoli opened discussion with Thomas Carbone, Andover's Public Director and members of the Fish Brook Initiative Task Force. He welcomed everyone.

Mr. Carbone first introduced members of the Board of Health that were present this evening. They were: Candace Martin, Chairman, and Donald Miller and Peggy Cruise. Also present was Dr. Douglas Dunbar who has been on board for this presentation and one of the movers behind this. He then read the following list of volunteers, the folks who did the work. They were: David Adilman, Jane Anderson, Tom Baker, Steve Boynton, Tom Brady, Prasanta Bhunia, Richard Bizzozero, Cathy Boese, Judy Chupaski, Ron Clausen, Pat Donahue, Amy Janovsky, Kathy Kloss, C. Joyce Ringleb and John Zipeto.

Mr. Carbone cited that the work they have done on this was really in conjunction with former Public Health Director Everett Penney. What he did was to tie up the loose ends. Before Mr. Penney left, he basically left only a final report to put together, which these folks have done with the help of Cynthia Vaughn, Water Resources Manager. He said that Ms. Vaughn is coordinator for the report which will be ready in a couple of weeks. She is also author of this evenings Power Point presentation. Highlights of the presentation were shown on various slides as follows:

- Described what entails the Fish Brook area. It is a 5.25-mile long stream and an integral component of the Town of Andover drinking water.
- It is considered a Class A stream and an outstanding resource of water.
- Task force considered a number of things putting this project and final report together:
  1. Public health and safety
  2. Economic value
  3. Primary and secondary recreation areas
  4. A community resource
  5. The whole water supply system
- Showed the limits of Fish Brook Watershed
- Committee identified several threats to the water supply. Where there concerns were with pesticides, herbicides coming from golf courses, and residences. People need to be concerned about what is washing off those yards and lawns into the water.
- Concerns cited: Gas Station on Rt.#133. (In the past it has had a leaking underground storage tank; they are working to clean it up. It is still a threat to the drinking water but it is being addressed); the Mass. Highway salt storage shed; Andover landfill; residential septic systems.

Steve Boynton, 56 Ballardvale Road, then addressed the Board and talked briefly on what caused the salt issue to get on the radar screen; what the committee did about it; and, what they concluded. He showed a graph from 1987 to 2007 and the sodium concentration at the Water Treatment Plant. It showed that the concentration of sodium was relatively constant from 1987 to 1997 and then took a dramatic upturn. That is why they are looking at sodium in the water supply.

6. New Business (Cont.)

A. Report by Public Health Director Thomas Carbone and Members of the Fish Brook Initiative (Cont.)

Mr. Boynton said the Committee installed stream gauges along Fish Brook.

August 7, 2006 (Cont.)

They measured the stream flow and correlated that with the stream gauges. The Water Treatment Plant lab did a lot of testing for them but they also got the kids from Wood Hill Middle School involved doing some lab testing. One of the major things they did was look at the flow in the stream and multiplying it with the concentration of sodium to see how much salt was flowing down the stream. They found that the amount of salt is increasing yearly. During the period of their study, they averaged that approximately 5,000 tons of salt a year were dumped in and washed out. He say this may not truly be what is always flowing out of the stream but if it were, they may want to get back to a couple of thousand tons applied.

The results were quite favorable for the town. The Highway Department agreed to do two things: (1) put in some monitoring stations on Rt. #495 near Haggetts Pond Road and (2) the state agreed to cut back on the amount of salt they are putting on the roads and heavily monitoring the drivers. In addition, they asked the state to move the salt shed which is at the interchange of Rt. #495 and Rt.I-93. That is under consideration. Mr. Carbone said they have a verbal commitment from Mass Highway and they are looking for a written commitment to relocate the shed and move it to River Road. They have another meeting scheduled the end of the month and will have an update at that time. They will keep the pressure on. When asked, he said the State representatives are working on this. Mr. Spencer said that Mass. Highway is committed and it is a question of resources on their end.

In conclusion, Mr. Spencer said their goal is to get back to sodium Levels to pre 1997 or better. The biggest thing is applying less salt in the Water Shed area. As to the Town's salt applications, Jack Petkus, Director of Public Works said they don't use pure salt applications. They mix salt with sand. In the areas of watershed they have a program of sensible salting, in many instances they are putting out salt before the storm hits thus putting down less. Mr. Petkus then described the chemicals that are also put on the roads. Mr. Carbone said that Town Meeting last year appropriated funds to conduct a "mass salt balance survey," to figure out how much of the problem is coming from where.

David Adilman then came before the Board to talk about the landfill which is in the Fish Brook area and potential cause of contaminants in the watershed. He went over a quick history of the landfill. Mr. Adilman said that since 1989 there have been ongoing samplings at the landfill that showed elevated arsenic in ground water, in surface water, and sediment. As to why the FBI involvement, Mr. Adilman said they requested the company, CDM, to make a presentation to them on the status of the investigation which they did. One of the things they didn't indicate was that arsenic was a significant issue; there were a lot of other deterrents they are dealing with. They pointed out that arsenic concentrations are highest at most downgrade locations. The conditional approval of the comprehensive site assessment was predicated that they do further delineation of the arsenic so everyone is on the same page. They are in the process of conducting another risk assessment to determine if these levels are hazardous to your health.

**6. New Business (Cont.)**

**A. Report by Public Health Director Thomas Carbone and Members of the Fish Brook Initiative (Cont.)**

Mr. Adilman noted that he was not saying it is a big risk at this point but they don't know if it is a risk. As a committee they want to make sure that CDM



August 7, 2006 (Cont.)

is following this and understands the arsenic concentrations and if they are at risk now and whether it will be a risk in the future. Jack Petkus, Director of Public Works, commented that they have never found arsenic in the Town's drinking water in detectable amounts.

In conclusion, Mr. Carbone said whatever happens in Fish Brook has a direct impact to the residents, from a case of aesthetics, issue with the sodium in the water, to the potential loss of some drinking water supply. He said there are a lot of great things going on in that area and they want to make sure it continues.

A discussion was held on the following summary of recommendations from the group:

1. Continue monitoring of Fish Brook
2. Continue dialogue with Massachusetts Highway Department
3. Initiate a review of the Town's Deicing Practices
4. Continue review of landfill closure actions
5. Continue citizen involvement with Fish Brook

Mr. Carbone said they are looking for some guidance as far as what the Selectman would like to see next and where they would like to go from here.

Chairman Vispoli thanked Mr. Carbone for the presentation as well as everyone that worked on it. He said it was a great job. He asked Mr. Carbone if the Board of Health has a recommendation as far as a model whether it be a Water Protection Committee or Water Preservation Committee. Mr. Carbone said not at the moment; he said that tonight's goal was to present the findings so far and to let the Board and the public absorb what has happened. Mr. Carbone said he can sit down and come back with a recommendation to the Board on where to go if they so wish.

Chairman Vispoli said he felt this was a high priority item that that can talk about it to make sure they have the right structure in place to keep an eye on this and keep it as an aggressive program as possible. He felt now was the time to put a standing group together. Selectman Lyman felt this was an unbelievable group of qualified volunteers and didn't want to lose anyone that is interested. She said she would like to see them move forward with some permanent standing with marching orders to keep aggressive protection of the water supply in place.

Selectman Hess thanked the committee for the time they put on this. He said this has been quite an achievement and that there has been a lot of publicity about the committee's work in the paper already and hope there is more when this report comes out. He felt it was also quite an accomplishment to get Mass. Highway to start looking at this problem as quickly as they did. He assured the committee that the Board was here to help if they can to push that. He said he felt this committee should be institutionalized in some way and looked forward to hearing from them.

6. New Business (Cont.)

A. Report by Public Health Director Thomas Carbone and Members of the Fish Brook Initiative (Cont.)

Ms. Anderson said she doesn't want to leave anyone wondering if the sodium in the drinking water is something they need to be concerned about. Mr. Petkus said it depends on the individual. A person who is on a low salt restricted

August 7, 2006 (Cont.)

diet may want to talk to their doctor. If a citizen were concerned about the water coming out of the tap they would be very happy to test it.

Chairman Vispoli in closing said he felt they should proceed with working with the Board of Health and getting a recommendation as to what they need as far as a committee and scope and mission of the committee. Ms. Anderson said they all recognize there is a valuable resource available to them in the town and they want to request for people interested in volunteering, they need to be clear about the expectations for that committee.

It was the consensus of the Board to wait and see what the Board of Health comes up with. Hopefully they come up with a recommended charter and scope of the group that they can talk about at the next meeting. He thanked the group again for coming this evening.

B. Discuss Draft of Vehicle Use Policy

a. **Board to discuss the Replacement of a Pickup Truck in the Plant and Facilities Department**

As a follow up report of the subcommittee, Chairman Vispoli said he and Selectman Lyman met on July 27 from 7:30 p.m. to 10:00 p.m. with the Manager and talked about the following: first, the replacement of the Tree Superintendent's vehicle; second, a short term immediate recommendation for the Board; and third, a longer term scope study that needed to be looked into that requires additional time to discuss.

On the first item, Selectman Lyman said that during the meeting, after going over the existing vehicles, they realized there was one vehicle that was not being utilized at this time due to the unfortunate passing of Ken Parker. It is a pick up truck that has been used in the past for similar use. They felt Mr. Pickersgill could use this truck taking care of an immediate need of getting him an appropriate vehicle and give them a chance to work more as a subcommittee and listen to the information that is coming forward from the Department. Second, that they look at appropriate markings on the vehicles to show they are municipal vehicles and to put municipal license plates on all of the vehicles with the exception of the Police Chief. Chairman Vispoli said those are two actions tonight they are recommending this evening.

Selectman Teichert asked if Ken Parker's position was going to be filled soon. The Manager said they do not now have the position filled as it existed previously. They have it as a temporary position, project manager, for a period of time; it could be a year, 18 months. Right now, the goal is to get the work done and in months ahead come forward with a plan for reorganizing. In answer to Selectman Hess, Mr. Piantedosi, Director of Plant and Facilities, said the current project manager using his own vehicle. Selectman Hess said there is a Town authorization to acquire a truck for Mr. Pickersgill. Mr. Piantedosi wanted to buy it now and take advantage of the prices of 2006 vehicles.

6. **New Business (Cont.)**

B. Discuss Draft of Vehicle Use Policy (Cont.)

a. **Board to discuss the Replacement of a Pickup Truck in the Plant and Facilities Department (Cont.)**

Selectman Hess said it made sense to use a vehicle that is not being used

August 7, 2006 (Cont.)

but that this was something they don't usually vote on. Chairman Vispoli agreed it was not the normal way they go but in this case they are trying to come up with a policy and as a result of waiting two weeks they discovered there are other options.

Selectman Teichert asked Mr. Piantedosi if he was comfortable for Mr. Pickersgill using Ken Parker's truck. Mr. Piantedosi answered that he was not and didn't think that was an option. He said he would keep Randy's vehicle going in the interim. When asked why, Mr. Piantedosi answered because of the sensitivity over Ken Parker's passing and Mr. Pickersgill not feeling comfortable driving that vehicle. He said that is a serious problem right now and a real issue in his Department. Chairman Vispoli asked what should they do with that vehicle. Mr. Piantedosi said he is using it as a spare vehicle. When he permanently fills the position that vehicle is going to be needed for that position because of the nature of that job. Mr. Piantedosi said he wanted to state that the project manager's position was half funded in his department for the past two years; with the changes in Mass. laws and the amount of administrative work that has been placed on his Department, it may require both positions to be filled. Selectman Lyman asked if Mr. Piantedosi had any intentions of accepting this recommendation. He said he would comply with whatever directive the Selectmen decides; he was just stating the problem.

When asked and in the interim, the Manager said that if the vehicle is unused it ought to be used by the Superintendent. He said he understands the people's sensitivity as they all went through that but at some point of time they have to make use of what is available. He noted that the monies appropriated at Town Meeting would be held because at some point in FY07, they will need Mr. Pickersgill's vehicle and he didn't want to lose the money. Selectman Lyman said that at that point, it would be clear what needs to be done.

It was moved by Selectman Lyman that the Board transfer the vehicle to Mr. Pickersgill for the needs in that Department. The motion was seconded by Selectman Vispoli. After a discussion, the motion was voted 2-0-2 (Selectman Hess and Teichert abstained).

Chairman Vispoli asked the manager if he was going to take action on transferring that vehicle. The Manager said he will talk to Mr. Piantedosi and the appropriate action will be taken.

Chairman Vispoli said their second recommendation is that immediate action be taken that all town vehicles except for the Police Chief and the vehicle the Operations Commander uses in police work should not be identified but all other vehicles including the Town Manager's vehicle be outfitted with municipal plates and seal of the Town of Andover. Selectman Teichert felt it would make sense to do this. Police Chief Pattullo told the Board that usually the cars used by town managers that he sees don't have markings. Selectman Hess said he would be uncomfortable to make any changes at this point until they have had time to talk to department heads on the whole thing.

6. **New Business (Cont.)**

B. **Discuss Draft of Vehicle Use Policy (Cont.)**

a. **Board to discuss the Replacement of a Pickup Truck in the Plant and Facilities Department (Cont.)**

Mr. Piantedosi said that all of the take home vehicles in Public Works and Plant and Facilities have municipal plates except his and Jack Petkus's

August 7, 2006 (Cont.)

vehicles. They have instituted their own identification by putting seals on the side windows. Mr. Piantedosi said that he and Jack Petkus have been without municipal plates since they were hired and voluntarily put markings on it. The Manager noted that by their appointment letters, it was very clear in Mr. Petkus and Mr. Piantedosi's situations that they have municipal vehicles for business use only. Chairman Vispoli said most of the towns they talked to all cars have municipal plates.

Selectman Teichert said he felt if a car is taken home 24/7 and allowed to be used for personal use, it shouldn't be marked with a seal. Chairman Vispoli said the only cars used for personal use are for the Police Chief, Police Operations Commander, the Town Manager and the Fire Chief. Selectman Hess asked if the subcommittee has met with department heads. Selectman Lyman answered that they have not. He then pointed out that they received an E-mail from Selectman Major asking that any discussion of policy be postponed until he can participate and Department Heads also.

It was moved by Selectman Lyman that the Board recommend markings on cars and municipal plates on vehicles that are designated to departments and Division heads but not to the Police Chief, Police Lt. Commander, Fire Chief and Town Manager. All remaining vehicles are to be appropriately marked.

The motion was seconded by Chairman Vispoli, voted and passed 3-0-1 (Selectman Hess abstaining).

The Manager said he would work with the Department Heads and get a plan together and when done report back to the Board.

Chairman Vispoli talked about the bigger picture and the other topics they were looking at as far as different options. For example, commuting distances, reducing the number of cars through attrition, and stipends given for vehicle use. Selectman Teichert said he would like some information on what the School Department does, whether they get allowances and how much. Selectman Hess said he was interested talking more about the attrition information. Also, to look at the legal issues.

Chairman Vispoli said the subcommittee would meet again in the next 30 days. Selectman Hess thanked them for all the work they are putting into this. Chairman Vispoli thanked the Manager for his support in the process.

Mr. Piantedosi said he wanted to comment on his memo on the Life Cycle Cost Analysis he did on the one Vehicle #20 which was Randy Pickersgill's vehicle. He said he did that because there is a lot of misinformation of what the real cost of this vehicle is. The good news is that vehicle over the course of a 7 year life using current fuel has cost per mile less than \$.32 cents a mile.

6. **New Business (Cont.)**

B. **Discuss Draft of Vehicle Use Policy**

a. **Board to discuss the Replacement of a Pickup Truck in the Plant and Facilities Department (Cont.)**

That is far less than some of the other averages he has seen as well as the IRS reimbursement. Also, he said when he did that calculation he had put down the exact miles used which seemed high but wanted to point out that all of the other

August 7, 2006 (Cont.)

take home vehicles are less than that. Also he wanted to point out that there are a lot of good things going on behind the scene that have been put in place by his department as well as by Jack Petkus and Chief Pattullo in the area of control, very cost effective maintenance, and also the way they purchase vehicles. He felt they have been coming across negative but a lot of hard work has gone into making this very cost effective. The model he submitted shows how effective they have been.

Chairman Vispoli said he was remiss acknowledging two things, first, that the policy the Department Heads presented to them, they are going to look at it, and second, they want to review the cost analysis Mr. Piantedosi did. He said he was happy Mr. Piantedosi mentioned the work that went into it. Chairman Vispoli said they recognize the work he and the other department heads have done as far as the whole energy conservation program which has shown significant results this year. He said they are going to need for them to do it again because of the oil prices not going down.

Police Chief Pattullo asked the Board to keep in mind when they see articles in the local newspaper with a headline of "End of Free Ride," that the average car has 1,400 miles on it. He said a lot of those miles are for town business because they are all on state committees and travel all over the place because Andover is regionalized. In actuality, he said the cost of the car to do the business and the cost for commute is minimal compared to what you would of paid out of the IRS rate. Chief said they are all doing the work to put the policy together and feel it is a good idea. They are not adverse to that and don't want it to be a negative thing. He said a lot of good things come out of the 17 vehicles they see around town.

Chairman Vispoli said the inspiration of this study was because they didn't have a policy in effect and felt they needed it. The Manager pointed out that over the years the number of the fleet has gone down. Also, he wanted to point out to the Board that the policy the department heads and he crafted was very much a draft; it hasn't been checked by counsel and there are some insurance issues in the draft.

C. Signing of the Street Deed and Grant of Easement for the Jordyn Lane Street Acceptance - Warrant Article #26 - 2006 Annual Town Meeting

After a brief explanation by the Manager, it was moved by Selectman Hess that the Board accept Jordyn Lane and sign the Street Deed and Grant of Easement as accepted at the 2006 Annual Town Meeting, Warrant article #26.

Selectman Lyman seconded the motion. After a discussion, the motion was voted and approved 4-0.

6. New Business (Cont.)

D. Signing of the Emergency Access Easement for the Swan Crossing Condominium Development off Beacon Street

The Board had a memorandum from Town Planner Paul Materazzo which the Chairman read. Mr. Materazzo indicated that the emergency access easement document has been reviewed and approved by town counsel. The manager said this is an access road to the property of Andover Country Club that allows the town on emergency basis to get to some condominiums. The road is in, it is a dirt road. Chairman Vispoli asked if the road was going to be paved. The Manager said it is

August 7, 2006 (Cont.)

going to have to be paved and will look into it.

It was moved by Selectman Hess that the Board sign the Emergency Access Easement for the Swan Crossing condominium development off Beacon Street between Beacon and Chandler Streets.

The motion was seconded by Selectman Teichert, voted and approved 4-0.

E. Grant of Sidewalk Easement from Ballardvale Crossing

The Manager explained the request to sign the grant of sidewalk easement from Ballardvale Crossing. He said he had a letter from Town Counsel that the documents are all in proper legal form. DPW has also reviewed and approved the plan and easement and reported that the sidewalk has been constructed.

It was moved by Selectman Hess that the Board sign the Grant of Sidewalk Easement from Ballardvale Crossing, LLC for the purposes of installing, repairing and maintaining a sidewalk over and across a strip of land shown as "Proposed 7' Sidewalk Easement" on a Plan entitled "Map 128/Parcel 9B, 13 & 15 Sidewalk Easement Plan Ballardvale Crossing, Dale Street, Andover, Massachusetts," Prepared for: Ballardvale crossing, LLC, 1215 Main Street, #124, Tewksbury, MA 01876, Prepared by: Cuoco Cormier Engineering Associates, Inc., 170 Main Street, Unit 112, Tewksbury, MA 01876, Scale 1"=40', dated April 20, 2006.

The motion was seconded by Selectman Lyman, voted and approved 4-0.

F. Drainage Easement for 25 Alden Road

The Manager said this request is to codify an easement they have had and puts in writing that they do have an easement at 25 Alden Road. It has been reviewed by Town Counsel and recommended by the Town Engineer.

It was moved by Selectman Hess that the Board approve the drainage easement for 25 Alden Road.

The motion was seconded by Selectman Lyman, voted and approved 4-0.

G. Signing of the Warrant for the State Primary Election to be held on September 19, 2006

The Manager said they are going to have two locations for the primary and state elections; the Andover High School Field house for Precincts 2, 3, 4, 5, 6, 9 and Senior Citizens Center, for Precincts 1,7 and 8. Town Clerk Hanson said she would be issuing a press release on that.

6. New Business (Cont.)

G. Signing of the Warrant for the State Primary Election to be held on September 19, 2006

Ms. Hanson reminded the public last day to register to vote for the September 19 primary is August 30, 2006; also, it is the last day to change party affiliation to be able to vote in the primary.

It was moved by Selectman Hess that the Board hereby notify the inhabitants of Andover who are qualified to vote in primaries to vote either at Andover High School or the Senior Citizen Center on September 19, 2006, for the State Primary

**August 7, 2006 (Cont.)**

Election. The motion was seconded by Selectman Lyman, voted and approved 4-0.

**H. Discuss Town Manager Evaluation Process for FY-07**

It was moved by Selectman Lyman that the Selectmen approve the evaluation process as outlined for FY07 as recommended. The motion was seconded by Selectman Teichert voted and approved 4-0.

The Selectmen were asked to submit their comments to Selectman Brian Major by the August 16, 2006.

**7. Approval of Minutes from Previous Meetings**

It was moved by Selectman Hess that the Board approve the minutes of the July 24, 2006 - Regular Meeting as written. The motion was seconded by Selectman Lyman, voted and approved 4-0.

**8. Adjournment - 10:00 P.M.**

It was moved by Selectman Hess that the Board close the Regular Meeting of the Board at 10:00 p.m. The motion was seconded by Selectman Teichert, voted and approved 4-0.

---

Elizabeth A. Kochakian  
Recording Secretary